

Senate File 234

S-3222

1 Amend Senate File 234 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 321.276, subsection 1, paragraphs b, c,
4 and d, Code 2017, are amended to read as follows:

5 *b. "Hand-held electronic communication device" means a*
6 *mobile telephone or other portable electronic communication*
7 *device capable of being used to write, send, or read a text*
8 *view an electronic message. "Hand-held electronic communication*
9 *device" does not include a voice-operated or hands-free device*
10 *which allows the user to write, send, or read a text view*
11 *an electronic message without the use of either hand except*
12 *to activate or deactivate a feature or function. "Hand-held*
13 *electronic communication device" does not include a wireless*
14 *communication device used to transmit or receive data as*
15 *part of a digital dispatch system. "Hand-held electronic*
16 *communication device" includes a device which is temporarily*
17 *mounted inside the motor vehicle, unless the device is a*
18 *voice-operated or hands-free device.*

19 *c. ~~Text~~ "Electronic message" includes images visible on the*
20 *screen of a hand-held electronic communication device including*
21 *a text-based message, an instant message, and a portion of*
22 *electronic mail, an internet site, a social media application,*
23 *or a game.*

24 *d. The terms "write", "send", and ~~read~~ "view", with*
25 *respect to a ~~text~~ an electronic message, mean the manual entry,*
26 *transmission, and or retrieval of a ~~text~~ an electronic message,*
27 *respectively, to ~~communicate with any other person or device~~*
28 *and include playing, browsing, or accessing an electronic*
29 *message.*

30 Sec. ____ . Section 321.276, subsection 2, unnumbered
31 paragraph 1, Code 2017, is amended to read as follows:

32 A person shall not use a hand-held electronic communication
33 device to write, send, or ~~read a text~~ view an electronic
34 message while driving a motor vehicle unless the motor vehicle
35 is at a complete stop off the traveled portion of the roadway.

1 Sec. _____. Section 321.276, subsection 2, paragraph b,
2 unnumbered paragraph 1, Code 2017, is amended to read as
3 follows:

4 The provisions of **this subsection** relating to ~~reading a text~~
5 writing, sending, or viewing an electronic message do not apply
6 to the following persons:

7 Sec. _____. Section 321.276, subsection 3, Code 2017, is
8 amended to read as follows:

9 3. Nothing in this section shall be construed to authorize
10 a peace officer to confiscate a ~~portable~~ hand-held electronic
11 communication device from the driver or occupant of a motor
12 vehicle.>

13 2. Page 1, after line 2 by inserting:

14 <Sec. _____. Section 805.8A, subsection 14, paragraph 1, Code
15 2017, is amended to read as follows:

16 1. ~~Text-messaging~~ Writing, sending, or viewing an electronic
17 message while driving violations. For violations under section
18 321.276, the scheduled fine is thirty dollars.>

19 3. Title page, line 2, by striking <read text> and inserting
20 <view electronic>

21 4. Title page, line 3, after <offense> by inserting <, and
22 making penalties applicable>

23 5. By renumbering as necessary.

MICHAEL BREITBACH